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February 5, 2025

Via ECF

Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Osby v. City of New York, et al.
Case No. 22-cv-07643 (LDH) (LB)

Your Honor:

I am an attorney in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, counsel for Defendants the City of New York (“City”) and New York City Employees’ Retirement System (“NYCERS”) (collectively “Defendants”) in the above-referenced action.

I write in response to the December 31, 2024 email by Plaintiff Tammy Osby filed with the Court on January 22, 2025 (ECF Dkt. 39). In this email, Plaintiff advised the Court that her pension payments had been suspended by NYCERS. Plaintiff’s pension payment was suspended for one month due to her failure to timely complete, notarize, and return an “Affidavit of Personal Service Income – 2023” (“Form #351”) to NYCERS.

On October 10, 2024, NYCERS sent Petitioner a letter advising her that she was required to “complete the enclosed Affidavit of Personal Service Income Form #351 and return it within 30 days from the date of this letter” and that the “[f]ailure to complete, duly notarize, and return the enclosed Form #351 within 30 days from the date of this letter will result in a suspension of [her] pension [payments]...” (bold in original). On December 9, 2024, NYCERS sent Petitioner a similar letter. Subsequently, on December 31, 2024, NYCERS received Plaintiff’s completed Form #351 and processed it on January 6, 2025. Since the completed and notarized Form #351 was received at the end of December, her December pension payment was withheld.

Upon processing of the completed and notarized Form #351, Plaintiff’s pension payments were restored, and her December payment was mailed to her on January 8, 2025. Copies of the October 10, 2024 letter, the December 9, 2024 letter, and the notarized Form #351 are annexed hereto as Exhibit “A.” Plaintiff’s January 2025 pension payment was mailed to

Plaintiff on January 27, 2025. Her February 2025 pension payment will be sent to Plaintiff on February 28, 2025 via electronic funds transfer.

Defendants take no position as to Plaintiff's challenge to the Court's denial of her request to appeal by proceeding *in forma pauperis*.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Genan F. Zilkha", is written over the printed name.

Genan F. Zilkha
Assistant Corporation Counsel

cc: Tammy S. Osby (by mail and email)
Encl.

CERTIFICATE OF SERVICE

GENAN F. ZILKHA, an attorney admitted to practice before this Court certifies that I caused the within Response to Plaintiff's December 31, 2024 Letter Motion re: Tammy S. Osby v. The City of New York., Case No. 22-cv-07643 (LDH)(LB) to be served by first class mail and email on the date hereof upon:

Tammy S. Osby
4116 Cartwell Drive,
Virginia Beach, VA 23452
talentedtee521@gmail.com

Tammy S. Osby
4420 Sanibel Circle Suite 205
Virginia Beach, VA 23462

Dated: New York, New York
February 6, 2025

BY: 
Genan F. Zilkha